



SUPPLEMENT TO THE MYSORE GAZETTE.

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SALE OF TODDY SHOPS FOR 1899-1900.

NOTIFICATION No. 6719—Ex. 259, DATED BANGALORE, 24TH MARCH 1899.

It is hereby notified by the Government of Mysore that the exclusive privilege of selling toddy in each shop or group of shops specified in the appended Schedule for one year, beginning with 1st July 1899 and ending with 30th June 1900, will be put up to public auction by the respective Deputy Commissioners or by Assistant Commissioners specially authorized by the Deputy Commissioners for the purpose, on the dates mentioned in the said Schedule, and at the respective taluk kasbas, and will be knocked down to the bidder offering the highest amount of rent for the aforesaid privilege. If the sales are not completed on abovenamed days, they will be continued on the next following days. The licensee is not required to make any additional payment on account of local cess. The Officer conducting the sale shall be at liberty to revise when necessary the grouping of shops as specified in Schedule hereto appended, and to accept or reject any bid at discretion, or to sell the said privilege in any particular case by means of tenders or by private negotiation. The sale in every case shall be subject to the conditions hereinafter set forth and shall, unless revised by the Government, take effect upon formal confirmation by the Deputy Commissioner.

2. Parties intending to bid must attend either in person or by duly authorized agents; and no person shall be permitted to bid either on his own behalf or on account of any one else until he has made a deposit of Rs. 10 in the case of individual shops, or Rs. 25 in the case of groups of shops, or such other reasonable amount as may be fixed by the Officer conducting the sale. Such deposits will be returned at the close of the sale.

3. The successful bidder must, on the exclusive privilege being knocked down to him, and before the next shop or group of shops is put up for sale, deposit a sum equal to one-twenty-fourth part of his bid for the year, that is to say, one-half of the monthly rent; and within fifteen days of the confirmation of the sale by the Deputy Commissioner being notified to him in writing, he must deposit such further sum as, with the former deposit, will make up an aggregate sum equal to three months' rent. Within ten days after the expiry of the period allowed for making the deposit of three months' rent as above, the purchaser of the exclusive privilege shall execute an agreement binding himself to observe the conditions hereinafter set forth as well as those specified in the license to be issued to him; and his surety, if any, has been accepted under the next following para, shall execute a bond in the prescribed form binding himself and so much of his movable and immovable property as may be deemed sufficient by the Deputy Commissioner, for the due fulfilment by the purchaser of the terms of his agreement. If default is made in making the deposit or deposits or in executing the agreement or the surety bond, if any, within the time allowed therefor by this para, the exclusive privilege shall be forthwith resold or otherwise disposed of by the Deputy Commissioner at the risk of the first purchaser, who shall for-

feit to the Government any deposit or deposits already made by him and shall further be liable to make good any loss by the re-sale or other disposal but shall not be entitled to any gain by the re-sale or other disposal. In the case of the purchasers death after the confirmation of the sale, it will be binding on his heirs or assigns.

4. The deposit made under the preceding para shall be either in cash or in Government of India Securities or Mysore Debentures duly endorsed in favor of the Deputy Commissioner. Provided that in lieu of a deposit of three months' rent as above, the Deputy Commissioner may, in his discretion, allow any purchaser to deposit one months' rent as above and to furnish approved personal security for an amount equal to four months' rent.

5. As soon as the agreements and bonds have been executed, the Deputy Commissioner will issue a license in the prescribed form, assigning to the purchaser the exclusive privilege referred to therein, subject to the following conditions:—

- (1) For the supply of toddy to his shops, the licensee shall have the privilege of obtaining, subject to Tree-tax Rules, toddy-yielding trees in the groves assigned to his shops or group of shops; and he shall be at liberty to manufacture toddy from the trees in private lands, under private arrangements between himself and the owners of such lands. He may purchase toddy from any other licensed toddy shop-keeper on application to the Supervisor, who will grant the necessary permits on proof of the necessity for the same.
- (2) The exclusive privilege shall extend to the sale of 'date, palmyra, cocoanut, bagani and dadasal toddy.
- (3) The amount of rent shall be payable into the local Government Treasuries on printed cheillans furnished for the purpose by Government, in equal monthly instalments commencing from 1st July 1899, each instalment shall be regarded as the rent for the month in respect of which it is payable. Each month's rent shall be payable on or before the 20th of the same month. If default is made, the Amildar may, with the sanction of the Deputy Commissioner, by record in writing, cancel the license, forfeit all deposits made by the defaulter, and proceed to re-sell or otherwise dispose of the shop or group of shops at the defaulter's risk as soon after the last day of the month as may be possible. Provided, however, that instead of re-selling the same as above, the Deputy Commissioner may, in his discretion, direct the Amildar to issue licenses to sub-vendors or vendors under the defaulting licensee for rents the aggregate of which is not less than the rent, the defaulting licensee had agreed to pay.
- (4) The deposit made by the licensee shall be taken in payment of the instalment due in the last month or months of the period of the license. All arrears and deficits payable by a licensee or his surety shall, with interest at 6 per cent per annum, be recoverable under the rules in force for the recovery of land revenue. Interest shall be calculated on all arrears from the date of default and on deficits from the date of re-sale.
- (5) If the Deputy Commissioner does not confirm the re-sale, he may make such other arrangements as may appear advisable for the remainder of the period of the license, in which case he shall serve a notice on the defaulting licensee informing him of the nature of the arrangements made.
- (6) Toddy shall not be sold to the public at less than the retail rates specified in the appended schedule.
- (7) The toddy shall be sold pure as drawn from trees, and shall not be adulterated or diluted in any manner in the shops, or depots, if any.
- (8) If the licensee of a group of shops wishes to establish a depot for depositing toddy required for distribution to his shops, he shall obtain a license for it in the prescribed form. The licensee of the depot shall keep true accounts of the quantity of toddy received in the depot and issued to the shops. The passes issued with the toddy

transported shall be subject to examination and check by the officers authorized in this behalf.

- (9) The toddy shall not be sold except in shops duly licensed by the Deputy Commissioner in the prescribed form, and no new shops shall be opened without the previous sanction of the Excise Commissioner. Tree-foot sales or sales in the open, or the disposal of toddy in any other manner unauthorized by the Rules, are strictly prohibited. The licensee of each shop will be required to keep an account of the receipts and expenditure of toddy in his shop.
- (10) The Deputy Commissioner may, whenever he thinks fit, direct any shop or shops to be closed, or permit transfers of shops from one place to another within two hundred yards of the original sanctioned site.
- (11) The licensee shall not, during the term of the license, have any interest in the exclusive privilege of vending arrack, nor permit any person having interest in the exclusive privilege of vending arrack to hold any share or interest in his exclusive privilege of selling toddy; nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest, direct or indirect, in any toddy shop or farm outside the Territories of Mysore.
- (12) The licensee shall be bound by the provisions of the Excise law and rules thereunder for the time being in force and by the terms and conditions of the license. The licensee shall use such measures of capacity as may, from time to time, be prescribed by Government, and provide himself with permits for the transport of toddy. Printed forms of permits may be purchased from Excise officers.
- (13) The license shall not be transferrable, except with the permission of the Excise Commissioner.

6. The Tree-tapping Rules provide as follows :—

- (1) Tree-tapping licenses in the prescribed form shall be issued on the application—
 - (a) of licensed toddy shop-keepers,
 - (b) of toddy shop-keepers in British Territory desirous of obtaining toddy from trees growing in the Mysore Territory but free from payment to the Mysore Government of the Tree-tax prescribed in clause 9 below, and
 - (c) of tree-owners in coffee estates, hittals and kans in the malnad free of the tree-tax prescribed in clause 9 below for the number of trees fixed by the Excise Commissioner for the drawing of toddy for *bonâ fide* domestic purposes as per Notifications Nos. 242 and 24560—R. 3597, dated 24th March 1885, and 22nd June 1895.

The licenses may be issued in the name of applicant himself or of his nominees.

- (2) Applications for the grant of tree-tapping licenses must be made in the prescribed form to the Excise Supervisor of the Range concerned. Forms may be obtained from him or the Inspectors under him.
- (3) Applications for tree-tapping licenses, for trees in occupied or alienated lands, should be countersigned by the owner of the trees intended to be marked in token of his consent. Applications for tree-tapping licenses for trees in State Forests and Plantations should be countersigned by the Forest Range Officer in token of his consent.
- (4) Persons applying for the issue of licenses will be responsible to Government for all sums payable as tree-tax on account of the trees licensed therein to be tapped.
- (5) On receipt of an application the Supervisor will at once take steps for the marking of the trees by an Officer superior in rank to an Examiner and for the timely issue of the license. Applicants for trees shall point out to the marking officer, when required by the latter to do so, the trees applied for by them. Should they fail to do so, after reasonable notice the tree-tax paid by them shall be liable to be forfeited at the Deputy Commissioner's discretion.

- (6) Deputy Commissioners may, subject to the orders of the Excise Commissioner from time to time, prescribe the minimum number of trees for which licenses will be granted and the minimum number to be entered in a single application. They may also direct that the trees situated in one village only shall be included in an application.
- (7) No trees shall be tapped, nor shall toddy be drawn from any toddy tree, nor shall any pot be attached to any toddy tree, until the tree has been marked by the proper officer. But the preparation of the spathes for the drawing of toddy is permitted as soon as the application in the prescribed form has been delivered to the Supervisor.
- (8) For all toddy-yielding trees, tree-tapping licenses shall be annual. For the convenience of the licensee, applications for tree-tapping licenses will be received, trees will be marked and licenses will be issued during the 15 days immediately preceding the period to which they relate, to take effect from the commencement of such period, provided that no toddy shall be drawn except during the currency of such license.
- (9) No tree is to be tapped for toddy without a license therefor to be obtained by payment of tree-tax at the following rates:—

| TREE. | Tree-tax for each tree per annum including local cess. | |
|--------------------------|--|-------|
| | Rs. | a. p. |
| Date | 1 | 1 0 |
| Cocoanut | 2 | 2 0 |
| Palmyra | 1 | 9 6 |
| Bagani or Sago palm | 1 | 9 6 |
| Dadasal (Arenga wightii) | 0 | 8 6 |

NOTE—The licenses will be free of tax to the Mysore Government in the cases specified in clause 1 (b) and (c) above.

- (10) The Government waive for the year 1899-1900, the levy of a rent, in addition to tree-tax, on Government trees tapped for supply of shops included in this Notification.

NOTE (1) Tree-rent at 4 annas per tree with local cess thereon shall be levied for Government trees tapped for the supply of shops in the Civil and Military Station of Bangalore and those outside the Territories of Mysore.

NOTE (2) No trees upon Government occupied land can be tapped without the consent of the owner. The present arrangement as regards trees on alienated land will hold good subject of course to the levy by Government of tree-tax.

- (11) The tree-tax shall be payable in the following instalments, unless the Excise Commissioner shall otherwise direct:—

| Period within which license is applied for. | Proportion of tree-tax to be paid at the time of application for license. | Proportion of tree-tax to be paid before the end of the month following. |
|---|---|--|
| Between 1st July 1898 and 30th April 1899. | One-third | The remaining two-thirds. |
| Between 1st May 1899 and 30th June 1899. | The whole | |

- (12) Under the arrangement which has been arrived at with the Government of Madras, the tree-tax on toddy produced by the trees in the Madras Presidency but consumed in the Mysore State, will be credited to the Mysore Government and *vice versa*. The rate of tree-tax to be paid in such cases will invariably be the highest in force on either side of the frontier. The following procedure shall be observed on the subject—

- (1) Tree-tax on trees in the Madras Presidency for which tapping licenses are about to be taken out by Mysore shop-keepers, must be paid in one instalment to the Amildar of the taluk concerned in the Mysore State, who will grant a receipt in the prescribed chellan form and certify at the foot that the applicant is a person entitled to take out tree-tapping licenses. The applicant will then make his application to British authorities in accordance with the Madras Government Tree-tapping Rules, and will obtain a Transport Permit from the Supervisor concerned in the Mysore State for the transport of the toddy drawn from the frontier to the shop or depot for which it is intended, after having complied with all requirements of the Madras Government Rules.
- (2) A shop-keeper or renter in the Madras Presidency desiring to obtain toddy from trees growing in the Mysore Territory, will pay into the Thasildar's Treasury concerned in the Madras Presidency, the tree-tax on the trees which he proposes to tap. The Thasildar, after satisfying himself that the applicant is a person who is entitled to take out a tree-tapping license, will grant a receipt with this fact certified at the foot.
- (3) The applicant will then proceed to make an application to the proper Mysore authorities in accordance with the Tree-tapping Rules in force in that State. The Mysore authorities concerned will accept the receipt and certificate as evidence that the amount mentioned has been paid, and that the applicant is a person by whom an application for a tree-tapping license may be made. It must, however, be distinctly understood that licenses may be refused at discretion in the case of trees reserved by the Excise Department for the purpose of giving them rest or for other reason considered sufficient by the Officer refusing the license. The issue of licenses, marking of the trees, &c., will be effected in precisely the same manner as if the applicant were a shop-keeper in the Mysore State, the number of trees to be licensed being calculated at the higher rate of the tree-tax, whether British or Mysore, if the rate is not the same on both sides of the frontier.
- (4) The Supervisor concerned in the Mysore State will issue Transport Permits to the frontier in the usual way, care being taken, as far as possible, to prescribe a route which does not involve the toddy approaching near any Mysore toddy shops. The latter should not be located along any of the main routes by which toddy is exported to the Madras Presidency, if it can be avoided; and the attention of the Deputy Commissioner concerned should be invited to the desirability of removing adjacent shops to a distance. It will be for the British Officer to grant permits from the frontier on to the destination of the toddy.
- (5) Transport Permits, for toddy exported by rail, will be given in batches of seven or any other requisite number, one for each day, to allow of a Transport Permit being invariably attached to the Way-bill.
- (13) In the tree-tapping licenses granted on the application of British renters and shop-keepers, the following rule will be inserted—

“All toddy drawn by the licensee shall, as soon as the pots containing it are removed from the trees, be immediately conveyed direct across the frontier into the Madras Presidency, under a General Transport Permit granted by the Deputy Commissioner of the district, or other duly authorized officer or person. Transfers of toddy, even by way of gift, between the time of drawing and crossing the frontier, and tree-foot sales or sales in the open, or the disposal of the toddy in any other manner unauthorized by the rules in force, are strictly prohibited.”

- (14) Licenses to British shop-keepers to tap trees in the Mysore State are granted in consideration of the payment of tree-tax to the British Government, and are liable to cancellation at its request, or that of any Officer duly empowered by it in this behalf.
- (15) Toddy drawn from British trees may be allowed to pass across Mysore Territory on permits granted by British officials, provided they are countersigned by the Supervisor of the Range in Mysore Territory through which the toddy is being transported.
- (16) Every person to whom a tapping license is granted for the manufacture of toddy either for local consumption or for export to British Territory, shall observe the following rules in tapping date trees—
- (a) Date trees shall be tapped only by professional men.
 - (b) Trees tapped one year shall not ordinarily be tapped the next year.
 - (c) Trees shall not be over tapped or overworked.
 - (d) In no date tree shall the initial incision be made at any point less than 3 feet from the ground except in places where permission is specially given.
 - (e) No date tree shall be cut to a greater depth than one-third of its diameter.
 - (f) Every fresh incision shall not be less than one foot above the last incision, except in localities where permission is specially given.
 - (g) Not less than eight leaves should be left on each tree.
 - (h) The licensee shall not cut or injure or permit to be cut or injured the trees licensed to him, or any other trees.
 - (i) The licensee or his employer will be liable to pay a fine of one rupee for each tree which may die from over-tapping or careless tapping either during the lease or within six months after its expiration.

7. In case of any breach of the conditions of the license, either by the licensee, or with his connivance or privity by any person in his employment, or in the event of the licensee neglecting to open his shops or to carry on his business with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding the sum of Rs. 50 for every such breach or neglect, or at the option of the Deputy Commissioner to declare the money deposited with him forfeited, and to cancel the license, and resell the exclusive privilege or otherwise dispose of it at the risk of the licensee, or to place it under the management of Government. When a license is cancelled, the rent for the whole period of the lease shall become due at once; and all loss caused to Government by the cancelment or re-sale or otherwise of the license shall be made good by the licensee or his surety in the manner specified for re-sales in para 3 above. All the amounts of such penalties and loss shall be recovered in the same manner as if they were the arrears of land revenue.

8. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding condition, shall not be held to prevent the prosecution of the licensee or his agents or employes for any offence punishable under the law for the time being in force.

By Order,

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.